

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Criminal File No. 05-312 (MJD/AJB)

(1) ROBERTO RODRIGUEZ,

Defendant.

Tracy L. Perzel, Assistant United States Attorney, Counsel for Plaintiff.

Manny K. Atwal, Federal Public Defendant, Counsel for Defendant.

The above-entitled matter comes before the Court upon the Amended Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated December 2, 2005. Defendant Roberto Rodriguez filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record, including the transcript of the evidentiary hearing. 28 U.S.C. § 636(b)(1); Local Rule 72.1(c). Based on that review the Court adopts the Amended Report and Recommendation dated December 2, 2005. The Court further notes that there is no evidence that Rodriguez had any possessory interest in the vehicle that

was searched; thus, he does not have standing to contest that search. United States v. Green, 275 F.3d 694, 699 (8th Cir. 2001) (noting that a passenger “has no reasonable expectation of privacy in an automobile belonging to another”) (citing Rakas v. Illinois, 439 U.S. 128, 148-49 (1978)).

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Magistrate Judge’s Amended Report and Recommendation dated December 2, 2005, [Docket No. 30] is hereby **ADOPTED**.
2. Defendant Roberto Rodriguez’s Motion to Suppress Evidence Obtained as a Result of Search and Seizure [Docket No. 16] is **DENIED**.
3. Rodriguez’s Motion to Suppress Statements, Admissions and Answers [Docket No. 17] is **DENIED**.

Dated: January 6, 2006

s / Michael J. Davis
Michael J. Davis
United States District Court